

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:

AUTHORIZING A PILOT PROJECT  
REGARDING RISK-BASED CONTACTS  
AND CASE LOAD IN JUVENILE  
COURT IN MARICOPA COUNTY

Administrative Order  
No. 2019 - 62

The Court's Strategic Agenda, *Advancing Justice Together* 2014-2019, recognizes the importance of evidence-based practices. Specifically, Goal 2: Protecting Children, Families, and Communities recognizes that "Arizona's courts must stay current with this research and remain a leader in implementing successful approaches" and "Evaluate and as appropriate, implement new or expanded evidence-based programs for Arizona's Adult and Juvenile Probation Services."

The Juvenile Court in Maricopa County is seeking an exception to the monthly standard probation contact requirements established in Arizona Code of Judicial Administration (ACJA) § 6-301.01(K). The exception would allow officers to increase contacts with youth that are determined to be medium and high risk, while reducing the amount of face-to-face contact with low-risk juveniles. This approach will result in an evidence-based increased caseload ratio, for low-risk juveniles, as permitted by A.R.S. § 12-269. A.R.S. § 12-269(B) permits a county with a population of two million to deviate from the statutory ratios (1:35) listed in A.R.S. § 8-203, so long as the county "shall maintain appropriate ratios of officers to probationers consistent with evidence-based practices in differentiated case management..."

ACJA § 6-301.01(K) requires that juvenile standard probation cases are to have a minimum of one visual contact every 30 days. The specific proposal entitled, "Modified Case Contacts and Caseload Pilot (Risk-based Supervision)" is attached, as Exhibit A. Approving this exception as a pilot program in the Juvenile Court in Maricopa County would enable the reduction of a juvenile probation officer's caseload ratio for moderate and high-risk cases, allowing officers to spend more time with these cases to address identified criminogenic risk factors and needs. It will also allow the department to experiment with other methods of contacting low-risk juveniles, such as texting, Facetime, and email. This strategy aligns with evidence-based supervision.

This Order authorizes an exception to the contact standards as found in ACJA § 6-301.01 on a pilot basis, substituting the contact standards established in Exhibit A.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Juvenile Court in Maricopa County is authorized to establish a pilot project as of the date of this Order through December 31, 2020.

IT IS FURTHER ORDERED that for the purposes of the pilot, the contact requirements set forth in ACJA § 6-301.01 shall be waived and the contact requirements established in Exhibit A of this Order, shall apply.

IT IS FURTHER ORDERED that the Juvenile Court in Maricopa County shall provide the Arizona Judicial Council with a status report by June 30, 2020.

Dated this 5th day of June, 2019.

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SCOTT BALES  
Chief Justice

## **EXHIBIT A**

### **Maricopa County Juvenile Probation RISK-BASED CONTACTS AND CASE LOAD PILOT PROJECT**

#### **Program Justification:**

The adherence to evidence based practices includes a continuous review of relevant information to determine the optimal allocation of resources and services based upon a validated assessment of risk. This practice can include the organizational structuring of case officer assignments, focused training, learning and coaching specific to the risk-oriented needs of the populations served.

Based on both internal analysis of risk and re-offense, consideration and input by the Department's Evidence Based Practices Sustainability Workgroup and recently conducted validation of the AZYAS-DIS by the University of Cincinnati Corrections Institute, the Department desires to further apply differentiated case management practices.

#### **Program Description:**

A limited cohort of juveniles placed on Standard Probation will be supervised at levels based upon their assessed risk level. This risk level will be based upon the actual risk score and will be determined minimally within 10 days of their disposition. Additional criteria and limitations will include:

- All juveniles considered for the pilot will be based upon a completed and most current AZYAS-DIS instrument;
- All must score Low-Risk 0-7 (males) or Low-Risk 0-7 (females); and
- Any juvenile placed on probation for a current felony that is not a Class 6 will be excluded.

The pilot will initially be limited to two Units and will include the caseload maximum and minimum case contact standards contained in Table 1 and the Supervision Strategies contained in Table 2.

This Risk-Based Probation Contacts and Caseloads pilot in Juvenile Court in Maricopa County will be consistent with the principles of evidence based practice and designed to reduce juvenile risk and the likelihood of future delinquent acts. Further, the proscribed pilot is consistent with numerous best-practices including the recent resolution promulgated by the National Council of Juvenile and Family Court Judges (NCJFCJ) entitled Resolution Regarding Juvenile Standard Probation Evidence-Based Practices (July 2017).

This shift will direct resources for the greatest impact, improved outcomes, and public safety by targeting increased supervision and interventions toward juveniles presenting higher risk to re-offend and responsibly minimizing the length of time and resources directed toward juveniles assessed as lower risk to re-offend. This will result in a supervision strategy that is proportionate to the level of risk and needs based on the juvenile's assessment results, address identified criminogenic factors, and provide supervision that is individualized, proportional, and purposeful.

Maricopa County Juvenile Probation  
RISK-BASED CONTACTS AND CASE LOAD PILOT PROJECT

Table 1.

<b>Risk Based Supervision Pilot – Minimum Contact Standards</b>			
<b>AZYAS-DIS LEVEL</b>	<b>Low (7 and below)</b>	<b>Moderate</b>	<b>High</b>
<b>Review of Conditions of Probation</b>	Visual contact within 10 days of disposition	Visual contact within 10 days of disposition	Visual contact within 10 days of disposition
<b>Juvenile</b>	2nd visual within 30 days of conditions review to affirm compliance plan	2nd visual contact the following month of conditions review to affirm risk reduction plan (not exceed 30 days) and every 30 days thereafter.	2nd visual contact within 15 days of conditions review to affirm risk reduction plan and 2 visual contacts every 30 days thereafter.
	<b>Minimal Non-visual contact months to include phone/text/email with a focus on enhancing compliance of conditions and follow through on court orders.</b>		
	Examples can include: attendance verification, grades, job verification, reminders of sanctions, referrals for programs and supportive communication with emphasis on juvenile and parental responsibility and ownership.		
	A response from the child is required to be considered a contact. 3rd visual contact and subsequent every 90 days		
<b>Parent</b>	One every 60 days (Visual, Email, Phone, Text, etc.)	One every 30 days	One every 30 days
<b>Home</b>	N/A	One every 90 days	One every 60 days
<b>School /Work (verification)</b>	Discretionary (as indicated by case plan)	One every 30 days	One every 30 days
<b>Provider</b>	As Necessary	One every 30 days	One every 30 days
<b>Caseload Ratios</b>	1:55	1:30	1:15

Table 2.

Supervision Strategies			
Intervention Tools (ex. BITS, Guides, Crossroads)	As Necessary  Juveniles assessed 7 or below generally do not present with moderate/ high risk factors.	One every 30 days  May include follow up on intervention completed as homework or during previous contact.	2 every 30 days  May include follow up on intervention completed as homework or during previous contact.
Reduce/Increase supervision	Evaluate at completion of sanctions/terms to determine need to continue on probation.	Evaluate at each AZYAS renewal/6- months for reduction or need to continue on probation.	Evaluate at each AZYAS renewal/6- months for reduction or need to continue on probation.
AZYAS Type	DIS	DIS	DIS
Case Plans	Limited Case Plan	Full Case Plan	Full Case Plan
AZYAS Updates	Every 6 months  Remove from pilot low risk if Risk Level changes	Every 6 months	Every 6 months



NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES



## **RESOLUTION REGARDING JUVENILE PROBATION AND ADOLESCENT DEVELOPMENT**

**WHEREAS**, the NCJFCJ supports integrating applicable principles identified and supported by adolescent brain development, including sentencing and disposition options for juveniles, into juvenile and family courts;

**WHEREAS**, the NCJFCJ encourages judicial leadership to guide policy and practice changes that incorporate the research findings on adolescent brain development;

**WHEREAS**, the research on adolescent brain development should help juvenile and family court judges understand, anticipate, and respond to the behavior of adolescents by holding them accountable in developmentally appropriate ways;

**WHEREAS**, the juvenile justice system is grounded in the inherent differences between youth and adults, yet current juvenile probation practices and policies may not reflect those developmental differences;

**WHEREAS**, the NCJFCJ believes that juvenile justice system policies, programs and supervision should be tailored to reflect the distinct developmental needs of adolescents;

**WHEREAS**, the NCJFCJ, as declared in the 2005 *Juvenile Delinquency Guidelines*, believes that juvenile delinquency court judges should ensure that court dispositions are individualized and include differential responses of sanctions and incentives;

**WHEREAS**, the NCJFCJ has called for individualized juvenile probation services and conditions of probation that are implemented through well-developed case plans that include "proactive statements about what must occur in the near future to address youths' risk to community safety, their most pressing needs related to their delinquent behavior, and their accountability obligations";

**WHEREAS**, a developmental approach to juvenile probation should promote as "normal" a path to adulthood as possible, using out-of-home placement as a last resort;

**WHEREAS**, family engagement and community partnerships are a valuable part of a developmentally appropriate system;

**WHEREAS**, developmental goals for adolescents on probation must include preparation for the exercise of rights and responsibilities that society assigns to adults;

**WHEREAS**, too many juvenile courts and juvenile probation departments impose conditions of probation that are not individualized, have too many requirements, and lead to unnecessary detention or incarceration for technical violations;

**WHEREAS**, enforcement of conditions of probation is too often subjective and exacerbates racial and ethnic disparities;

**WHEREAS**, Modernizing juvenile probation approaches to incorporate knowledge on adolescent development and behavioral decision making will (1) help youths understand, appreciate, and remember their probation requirements; (2) emphasize short-term, positive outcomes for probation compliant behaviors; (3) deliver sanctions for noncompliant behaviors in ways that enable youths to learn from their mistakes and modify their behaviors in the future; and (4) promote affiliation with positive peers.

**NOW, THEREFORE, BE IT RESOLVED:**

The NCJFCJ supports and is committed to juvenile probation systems that conform to the latest knowledge of adolescent development and adolescent brain science.

The NCJFCJ supports and is committed to the development of robust education and training of juvenile probation staff on adolescent brain development; its impact on juvenile justice policy, practice and the law; and its relationship to juvenile probation case planning, conditions of probation, supervision, monitoring and enforcement, and data collection.

The NCJFCJ encourages juvenile probation agencies to implement evidence-based practices and be data-informed by collecting practice-based evidence.

The NCJFCJ recommends the use of validated risk and needs assessments to guide dispositional and programming decisions.

The NCJFCJ recommends juvenile probation that emphasizes individualized case management to provide youth with services that are responsive to their criminogenic needs.

The NCJFCJ encourages an emphasis on the use of incentives—rather than sanctions-- to modify youth behavior.

The NCJFCJ recommends that courts cease imposing "conditions of probation" and instead support probation departments' developing, with families and youth, individualized case plans that set expectations and goals.

The NCJFCJ encourages jurisdictions to develop alternatives to formal probation revocations for technical violations, to ensure that detention or incarceration is never used as a sanction for youth who fail to meet their expectations or goals.

The NCJFCJ encourages juvenile courts and juvenile probation departments to adopt a developmentally designed juvenile probation system with a differential response system that will:

- a. Help youth improve their decision-making.
- b. Emphasize short-term, positive outcomes for probation-compliant behaviors.
- c. Be designed in such a way that enables youths to experience success almost immediately.
- d. Emphasize effort and improvement through a process of behavior change rather than expecting perfect compliance with probation requirements, goals, and expectations.
- e. Create expectations and goals that address fewer behaviors at a time, rather than emphasizing all probation requirements at once, while taking care to avoid unnecessarily extending the duration of probation.
- f. Utilize incentives and rewards to motivate youth to meet expectations and goals that enable youth to learn from their noncompliant behaviors.
- g. Fairly sanction misbehavior, incorporating elements of procedural justice.

- h. Provide youths with opportunities to take part in prosocial activities and engage with positive peers (e.g., playing in a sports league, taking art classes).

### **References**

- Buss, *Developmental Jurisprudence*, 88 Temple Law Review No. 4 (2016)
- Center on Juvenile and Criminal Justice, *Probation Enrichment Program*, at <http://www.cjcj.org/Direct-services/Probation-Enrichment-Program.html>, (2017)
- Goldstein, NeMoyer, Gale-Bentz, Levick, and Feierman, "You're On the Right Track!" *Using Graduated Response Systems to Address Immaturity of Judgment and Enhance Youths' Capacities To Successfully Complete Probation*, 88 Temple Law Review No. 4 (2016)
- NCJFCJ, *2005 Juvenile Delinquency Guidelines*
- National Research Council of the National Academies, *Reforming Juvenile Justice: A Developmental Approach* (2013)
- National Research Council of the National Academies, *Implementing Juvenile Justice Reform: The Federal Role* (2014)
- Seigle, Walsh and Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*, Council of State Governments Justice Center, National Reentry Resource Center (2014)
- Szanyi and Shoenberg, *Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation*, Center for Children's Law and Policy (2016)
- Thomas, D., Torbet, P. and Deal, T., *Implementing Effective Case Management Strategies: A Guide for Probation Administrators*, OJJDP, NCJJ, NCJFCJ, October 2011)
- Torbet, P. (March 2008). Building Pennsylvania's Comprehensive Aftercare Model. *Probation Case Management Essentials for Youth in Placement*. National Center for Juvenile Justice (2008)
- Tuell, J. and Harp, K., *Probation System Review Guidebook, 2<sup>nd</sup> Ed.*, RFK Children's Action Corps (2016)

Adopted by the NCJFCJ Board of Directors, July 15, 2017, Washington, DC.